

08.08.2023

(4)
(ap)

C.R.R. No. 2848 of 2023

Aniket Banerjee
Versus
The State of West Bengal

Re: An application under Article 227 of the Constitution of India
filed on 28.07.2023

Mr. Ayan Bhattacharjee,
Mr. Shuvasish Sengupta,
Mr. Pawan Kumar Gupta,
Mr. Sharequl Haque,
Mr. Abhrajit Roy Chowdhury.

...For the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP,
Mr. Imran Ali,
Ms. Debjani Sahu.

...For the State.

This is an application praying for preponment of the date of hearing of the petitioner's application for anticipatory bail pending before the learned Sessions Judge, Barasat, North 24 Parganas in connection with G. R. Case No. 5920 of 2023 corresponding to Dum Dum Police Station Case No. 369 of 2023 dated 11.07.2023 under Section 306 of the Indian Penal Code.

Let a copy of this revisional application be served upon Mr. Imran Ali, learned Advocate who is present in Court today and who ordinarily appears on behalf of the State. His appointment shall be regularized in due course.

Learned counsel for the petitioner submits as follows. The petitioner is a pilot working with the Vistara Airlines. He was having an affair with the victim lady for sometime. However, of late he was not in touch with her. It is learnt that the said victim

lady committed suicide in a Hotel at Kolkata at a time when the petitioner was not even present at Kolkata. The petitioner made an application for anticipatory bail before the learned Sessions Judge, Barasat. By an order dated 21st July, 2023, the learned Judge posted the hearing to 30th August, 2023 without even considering whether to grant an interim protection. If an interim protection was not granted on that date, then a short date ought to have been fixed for hearing of the application for anticipatory bail. The prayer for preponement of the date of hearing by the petitioner was not entertained by the learned Judge.

Learned counsel for the State submits that unless the case diary is perused, nothing can be said on the merits of the case.

I have heard the submissions of the learned counsels for the parties and have perused the revision petition.

The petitioner's innocuous prayer is for preponement of the date of hearing for anticipatory bail before the learned Sessions Judge, Barasat.

In the FIR the father of the victim mentioned that in the circumstances it was clear that the petitioner intentionally cut off all contacts with his daughter and somehow he was responsible for his daughter's life.

If the learned Judge was fixing the next date so far away, then he ought to have considered the petitioner's prayer for interim order.

Even otherwise, this appears to be a fit case where the date for hearing of the anticipatory bail application should be preponed.

In view of the above and in the interest of justice, I request the learned Sessions Judge, Barasat to prepone the date of hearing of the anticipatory bail application of the petitioner to any date within a week from this date and issue notice to the necessary parties. In the event the prayer for anticipatory bail cannot be considered finally on the next date, the learned Sessions Judge, Barasat shall consider the petitioner's prayer for interim order.

It is clarified that the merits of the case have not been gone into and the learned Sessions Judge, Barasat shall not be swayed by any observations made by this Court in this order and all points are kept open to be agitated before the learned Judge.

With the aforesaid observations, the instant revisional application is disposed of.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Jay Sengupta, J.)

